

**PLANNING BOARD MEETING
MARCH 9, 2015, AUDITORIUM, 62 FRIEND STREET
AMESBURY, MA. Meeting called to order at 7:12 P.M.**

PRESENT: ROBERT LAPLANTE, DAVID FRICK, HOWARD DALTON, LARS JOHANNESSEN, KAREN SOLSTAD, TED SEMESNYEI.

ABSENT: SCOTT MANDEVILLE.

ALSO PRESENT: NIPUN JAIN, CITY PLANNER, PAUL BIBAUD, RECORDING SECRETARY.

MINUTES: 2-23-15: Motion by Robert Laplante, seconded by Lars Johannessen to approve the minutes as presented with the one addition of Ted Semesnyei's name to list of members present.

Sign applications: Chinburg Properties, Poplar Street- Wall Mount (Briggs Mill)
Chinburg Properties, Cedar Street- Hanging Sign (Briggs Mill)

There has been no communication or meetings on these, so it was not addressed tonight, nor were they reschedule to a certain date.

CONTINUED PUBLIC HEARINGS:

E.F. SHEA CONCRETE PRODUCTS, 87 AND 89 HAVERHILL ROAD SITE PLAN - SPECIAL PERMIT, MAP 74, LOTS 8,7, 9. PH: 10/27/14 - SM,KS,HD,TS,DF,LJ

Brian Murray, Millenium Engineering: I also have Greg Stratus from Shea Concrete and Mark Sidier from Sullivan Architects. As a follow up to our last meeting, we provided a submittal dated 2-26-15. In that, we addressed a few house keeping issues that were required for the plans. We've added dimensions on the plans for setbacks. There was a portable marketing shed that was within the setback and had to be removed, so we did. We also provided catalogue cuts of lighting fixtures, wall mounted. We provided two because there will be one type in the front of the building and another type in the back. We also provided an e-mail from our landscape architect, Howard Schneider, discussing the plantings that were related to the rain garden. Howard addressed items in his e-mail that were questions about things like using native species, etc. That's what we included in the submittal. There may be a couple other items that the PLB may want to talk about. We're here to answer those questions.

Nipun Jain: As the board instructed, we reviewed the project submission and we believe that the applicant has provided satisfactory information on the proposed development. We started to look at the recommendations for the PLB for tonight. I discussed some of the aspects that came up during our wrap up process with the applicant, with regards to final building design for the storage facility, which was discussed during the public hearing process. It should be submitted prior to request for a building permit. The dumpster location, which is now required per new DPW sanitary codes and where it could go and what are the current practices. We also discussed with them the final detail drawings for the retaining wall, which are shown on the information before the board. They don't have a lot of engineering details, which the PLB wanted to look at prior to construction. The final

landscaping plan, per the Zoning bylaw which requires planting along the front yard setback, and that can be done to balance the requirement of the code vs. the applicant's desire to have some of the product be visible along the front of the property. Based on that, we do have a set of recommendations. I have them here. They are a combination of general conditions that the PLB has in regards to projects. The specific issues that I just talked about, which we can incorporate into the final decision, if there are no other issues from the PLB that you'd like to be incorporated.

Motion was made by Ted Semesnyei and seconded by Lars Johannessen to close this hearing. AIF.

Motion was made by Karen Solstad to have the City Planner make a recommendation to staff to prepare a decision with an Order of Conditions for Shea Concrete on Haverhill Road. Motion was seconded by Lars Johannessen. AIF.

Motion by Howard Dalton to take National Grid out of order. Motion was seconded by Robert Laplante. AIF.

NATIONAL GRID – 39 +39A WATER STREET, 33 OAKLAND STREET, LOT 1B.

Site plan and (3) Special Permits. PH 10/27/14 - SM,KS,HD,TS,LJ,RL

Nipun Jain: The follow up from the last discussion on this matter: we were asked to prepare a set of recommendations for the board for consideration tonight. Also that the issues discussed were regarding the legal agreement between the city as a property owner and the applicant, to look for indemnification clauses that protect the city against any third party lawsuits if there may be any construction activity per the project. So what we have before you is a framework of conditions that the PLB can consider in closing out the project, which incorporate documents that have been presented or information that has been presented in draft form or concept form, because the project still needs to be finalized through permits from state agencies, as well as the legal protection that the PLB was seeking per prior discussion. I think the applicant is aware of the framework we presented to you. Any questions or comments?

National Grid Representative (no name given): I just looked it over quickly here, and wonder if the erosion control bond is redundant with our Order of Conditions already? You've incorporated the OoC in this, so I wonder if there is a necessity to post a separate erosion control bond?

Nipun Jain: Typically, the PLB incorporates those conditions and there is already a requirement for any bonds for the same activity by another agency, then it is not replicated.

National Grid Rep: What they have is inspection authority under their order, so they can enter at any time and make sure the erosion control remains in place. The bond would cover it.

Nipun Jain: The PLB typically has, for all projects where there is environmental permits a \$.25 per square foot of disturbed area as erosion control bond. If ConCom already requires that as part of their approval, then it is not required again. But if it is not part of ConCom approval, then it is part of the site plan and special permit conditions that the PLB requires as a standard condition.

National Grid Rep: And that was it. We had suggested some language on the liability condition. Hopefully, that is acceptable, and the rest is straight forward. I'll have to send it back to some other folks and the client, but we'll talk within the week and it looks good.

Nipun Jain: So this is sort of the framework

With which we draft the final decision, and if that is the pleasure of the board, then we'll discuss it with the applicant to make sure that they are aware of what are the conditions, such as the erosion control bond, in its final form, and bring it to the PLB at the next meeting, if that is the pleasure of the board. But we do recommend closing the public hearing, at this point.

Motion was made by Lars Johannessen to close the public hearing. Motion was seconded by Ted Semesnyei. AIF.

Motion was made by Ted Semesnyei to have staff prepare a recommended draft conditional decision on this project for National Grid. Motion was seconded by Robert Laplante. AIF.

**HATTERS SITE DEVELOPMENT PLAN – PHASE II, 60 MERRIMAC STREET
PH 11/10/14 - SM,KS,HD,TS,DF,RL**

Robert Laplante recused himself from this hearing.

Larry Smith, managing director of Hatters Point Capital, LLC: Since we last met 2 weeks ago, we were given some assignments which we believe we fulfilled. The first is the sheet pile protocol, and we sent the information to you on this. The second was the entrance to decrease the width of the entrance way, which we sent plans and have done. The third was a shadow study for one of the abutters, which we've sent an e-mail on that shadow study. That should be in your packets. We have our team here tonight, consisting of our site engineer, legal counsel and architect and representative from Hatters Point Phase I. We can answer any other questions you have relative to the site plan.

Nipun Jain: We can talk about the curb cut, and yes, the applicant has provided us with a propel which reduces and brings the curb cut into compliance with the 24 feet requirement. They addressed the turning radii and large vehicles going over the curb is as they had indicated by paving the adjoining areas the curb cuts. It's a creative solution that will work. We passed that to our engineering office, if they wanted to have any comments, but I think that works for the PLB. Next, re: the traffic from the development, there was a traffic study provided early on in the public hearing process, and as it was demonstrated at that time, there is no adverse impact due to the proposed development. There are some other aspects with regards to the movement of soil and preparing the site. A more detailed plan will be prepared for that as there is a better understanding of quantities and what are the final truck routes. There will be a final sign off by the public safety officials to make sure there is adequate safety. The sheet pile protocol gave us a better understanding as to what is the thought process. As plans develop, there is probably the need for more detail soil testing analysis, which the applicant has indicated that they will provide as they get closer to the building permit phase. I think that is satisfactory for our purposes, as long as the PLB provides a condition in their decision that, before pulling a building permit, they will have to provide detailed soil test and detailed drawings for the sheet piling process, to assure satisfaction of the DPW to ensure the safety of Merrimack Street and associated public infrastructure. Retaining walls: final drawings for those are required for the bylaw, but it is ok if the applicant wants to provide final details based on final soil tests and conditions and final design, prior to request for a building perm it. I think that issue can be addressed by conditioning on that aspect. Storm water has been adequately addressed and peer review has signed off on that as well as ConCom consultant has signed off also. There are some

infrastructure details that need to be finalized with regards to public infrastructure on Merrimack Street. The applicant is working with DPW and the city engineer to finalize those issues. They are well within the realm of reaching a satisfactory conclusion on utilities and storm water. The building design: the applicant has made the revisions that have been discussed with the board's subcommittee, as well as discussions with the historical commission, which brings the project's design and as revised more in keeping with your design objectives, both in the site plan as well as some of the other criteria that the board has used in discussion on this project. There are some conditions that we could recommend, but they are more pertaining to the special permit portion of the project, so I was prepared to discuss those today, but my recommendation today would be that, based on the information that we have, the project should move forward. We feel comfortable if the PLB closes the public hearing on the site plan review. We can certainly work on a draft recommendation for a final decision on the project.

Chris Rokus, Meridian Associates: Basically, what we did on the curb cuts, we reduced the radius for a curb cut width of 26 feet and added pavers to both sides of the road for fire trucks and larger vehicles to drive over coming in and out. So we went from 48 to 26 feet for curb cut width.

Nipun Jain: That is within the realm of what the PLB has considered, if it has to come close to the 24 foot requirement.

Lars Johannessen: What are the finishes will be on the penthouse areas?

Ken File, architect with J.D. LaGrasse and Associates: The penthouse exterior is clapboards, hardy plank...not vinyl.

Abutters Comments:

Louise Kreiner, 60 Merrimac Street: I've lived there for nearly 11 years. During this time, I lived through the broken promises of the previous developer. I was forced to spend my limited personal resources along with my neighbors to demolish much of the dangerous structure at Hatters Point. I watched our resources used to install fencing and ensure the area of blight through Phase II, which Phase II would replace. We lived through the financial burden of having to invest in the bones of what was once a vibrant industrial greatness in order to prevent it from becoming a nuisance or dangerous trap to adventure seekers or curious young people. I am in full support of the Phase II development and urge the board to pass this project.

Mary Kenealy, 60 Merrimac Street for 8 years: I am one of 64 abutters at that address who heartily endorse this project. I'm confident that the PLB will give our wishes the same careful consideration as others.

Carole Cowie, 60 Merrimac Street, lived there for 10 years: I support the positive benefits this project will mean to the community as a whole. About the shadows issue: We'll have shadows too. There'll be some hours / some days and certain months of the year when we may lose sunlight due to shadowing from the height of the building. But overall, the size of the project has been reduced significantly. We ask your support in favor of this project.

Susan McPhail, 60 Merrimac Street, lived here 11 years: I request and ask the PLB to vote in favor of this project. It's the best thing for Amesbury in every sense of the word.

Nannette Becker, 60 Merrimac Street: I just want to note, for those who live nearby who feel they are losing some part of the river, there is a beautiful light path that begins with a

gazebo and will continue along the river. This will be a beautiful addition, open to all, and we urge you to please vote yes.

Motion was made by Ted Semesnyi to close the public hearing for the site plan review aspect of Hatters Point. Motion was seconded by Lars Johannessen. AIF.

Jack McIlhenny, attorney for Hatters Point Capital, LLC: We'd request that the special permit public hearing be continued to the next available hearing, and I'd hope the board recommends to begin drafting conditions for the site plan review.

Motion was made by Ted Semesnyi to direct staff to draft a draft recommendations for the site plan review Order of Conditions for Hatters Point development plan.

Motion was seconded by Lars Johannessen. AIF

**HATTER'S SPECIAL PERMITS (3) PHASE II, 60 MERRIMACK STREET
APPLICATION FOR (3) SPECIAL PERMITS AS STATED IN LETTER DATED
11-7-14 items i through vii PH :12-8-14 - KS,HD,TS, DF,LJ.**

**NO PUBLIC HEARING COULD BE HELD TONIGHT, DUE TO ROBERT
LAPLANTE NEEDING TO RECUSE HIMSELF, HOWARD DALTON NOT
HAVING BEEN PRESENT SINCE DECEMBER, AND SCOTT MANDEVILLE
BEING ABSENT.**

**MOTION was made by Lars Johannessen to continue this hearing to the March 23
PLB meeting. Motion was seconded by Ted Semesnyi. AIF..**

**MOTION was made by Karen Solstad to allow Jack McIlhenny's formal request to
withdraw without prejudice one of the special permits under the historic preservation
section of the bylaw and the applicant and I have discussed this, and it is not
applicable to the project and not required. Motion was seconded by Lars
Johannessen. AIF.**

**AMESBURY HEIGHTS, 40R – 36 HAVERHILL ROAD, MAP 86,
LOTS 25 AND 47; PH: 12-8-14 KS,HD,TS,LJ,RL,DF**

**William Buckley, attorney for Boston North Properties, owners of the site, along with
Sean McReynolds from Corcoran-Jennison. We've taken a project that was already
approved and ready for applying for a building permit, and for the benefit of both the
owner/developer as well as the city, we've made a request to change the permit from a 40B
permit to a 40R permit. That led us to going before the PLB on several occasions, listening
and addressing concerns. We recently submitted a response from our engineer to the
chairman and department that I think wraps up / addresses a final punch list of items, we've
made site plan improvements, both pedestrian within the site as well as made provisions for
a pocket park. Hopefully tonight we can request the closing of the public hearing and
proceed with a recommendation to prepare conditions for the project.**

**Nipun Jain: I'd like to go through the various requirements under the 40R, just to cover
the ground for the PLB so that we can wrap up the issues that have been discussed at the
public hearing. There were some draft documents that are required under the Smart Growth
regulations regarding affordable housing regulatory agreements, which the applicant has
provided drafts to us. They need to be reviewed by the PLB or representatives before they
are finalized. That can be satisfactorily addressed by way of conditions. Lots of time was**

spent on parking, driveways, and I think the PLB thought because the project had not changed from the original design, that the engineering peer review of storm water and all other engineering aspects didn't require additional review. Since none of the baseline conditions for storm water drainage and public infrastructure had not changed, and the project had not changed, so the board relied heavily on the prior peer review assessment of the project as it was proposed for the ZBA. Having said that, the other performance standards that pertain to storm water or utilities or infrastructure have been substantially complied with. There are some aspects that didn't have to be finalized, but issuance of a building permit, which can easily again be incorporated into the board's decision as a requirement. The building design, the applicant has responded to comments from the PLB on improvements the board would like to see in the design. Some things need to be finalized still, but that is an aspect which can be conditioned by the board as part of any approval or draft decision. Open space: a predominantly part of the space will be open space, as in the original proposal. There was a discussion by the board on traffic aspects. It was discussed last week in the meeting, and in discussing it with my colleagues in the city, we believe there are concerns that the applicant has addressed through the peer review assessment and also, because this is a MassDOT right of way, the final sign off rests with MassDOT. The city is committed to working with MassDOT to ensure that, if there are any aspects of traffic improvements that need to be made, they will be incorporated in the final design. The applicant also committed to that during the public hearing, with the ZBA as well as with the PLB. The issue is, we are still at 75% design stage with MassDOT, so they still have to finalize those designs and approval. This is not it. They may require additional improvements, and I think all stakeholders here, at least on the city side, are aware of what the concerns are and how they can be addressed. I believe if a condition is made, that the applicant completes the infrastructure improvements, offsite traffic improvements, as shown in the 75% design plans. That creates a baseline, and if there are additional improvements that MassDOT requires, then they have to be done. You don't have a choice. So in terms of those concerns, either by public officials or residents, can be incorporated in your decision that adequately address those concerns. There was one comment made in regards to the sewer flow that is shown on the plans to be made towards the existing sewer pump station, even though it was designed to flow away from it. That is just an oversight on the final engineering plans which have to be corrected. You've stated all along that all sewage would move away from that sewer pump station. The sewer will be running out toward Martin Road via gravity to the treatment facility. But the plans show otherwise. But that is an error that is easily fixed and corrected before the plans come before us for endorsement. That is the majority of the issues. One issue re: emergency access, I was confused by the proposed 20 foot wide right of way, of which 16 feet is going to be paved with two feet shoulders on either side. That is what was proposed after discussions with the fire department and VHP. The board had only a concern with that arrangement of, where does the snow get stored and how does it get plowed? Because if it is not a paved shoulder, how do you plow it and how do you store it? That is something that the fire department should think about more, and in discussions it could be a maintenance arrangement where you have to ensure that 16 foot wide pavement is always available, and that any excess snow above a certain threshold is removed from that emergency access. There could also be some further assessment: if a guardrail is required, because that wasn't incorporated in the preliminary sketch presented by VHP, but that is where the concern

about whether it should be 20 or 22 feet and 18 feet of pavement. So it is more a public safety issue that the issue is concerned, but not so much the actual cross section. Those are the two issues that need to be addressed a little bit more in detail, but I believe all the others have been substantially addressed from our review of the project. As a final comment, there was an extensive decision written by the city's attorney, representing ZBA, John Witten, at that time. We would certainly request the applicant to allow us to have him on board to assist us to make sure we are not incorporating any 40B requirements in that decision, which would be a baseline. It's a very good decision for the board to use as a basis. We just want to make sure that there are no aspects in the decision that do not have to be there because they pertain to 40 B. If that is ok, we'd bring him on board and make sure that the decision is under the 40R and not under the 40 B. That is our assessment of the project as it stands. We think the PLB can close the public hearing and we would be happy to work on a draft decision, along with Mr. Witten and the applicant.

William Buckley: I just want to offer a couple additional comments on the last two items mentioned. Re: snow removal on emergency access road, we couldn't agree with you more. That is one of the reasons why it was going to be paved instead of just a gravel road. We talked about it at one time just being gravel, but the maintenance of it was important and being paved makes the most sense. I think the 2 foot shoulders add to accommodating snow, keeping in mind that the prior fire chief actually approved a 12 foot paved width, feeling that was sufficient, understanding that it is primarily one way traffic. So I think the 16 foot pavement with the shoulders actually gives that what is needed.

Nipun Jain: Under the new code, Bill, they are required to have 20 feet wide pavement. So we asked them to clarify that. What does that 20 foot wide pavement mean? Based on their assessment of the circumstances, that this is actually a one-way, as you said, and the 16 feet might be sufficient with the 2 foot shoulders on either side. But that is where the comment came from.

William Buckley: Addressing the traffic issue: there is no one here or any abutters here to make sure that that traffic access works more than us. We're investing some \$30+M and we want our residents to get in and out of there safely. We've done extensive traffic studies out there in both the 110-150 intersection and the main entrance area. We'll continue to make sure that it is safe. Just from recollection of our previous studies, both through signage and striping, that we're going to slow traffic down in that corridor, which will make a dramatic improvement in the way that Hoyt Avenue entrance functions, which was a key component of our prior study. We'll work closely with MassDOT and make sure we meet all the city's public safety concerns. The last thing we want to do is create an unsafe traffic situation at our front door.

David Frick: Earlier, you spoke about the legal help we may need on this. Did we have the same issue on engineering? I recall that coming up at the last meeting that some of the things that need to be submitted and finalized prior to the start of construction is typically done by our peer reviewer. Because the peer review was done back in 2007 or 2008, that we might need some funds to do peer review on the final documents that come forward? No problem with that?

Nipun Jain: Our recommendation was, once PLB approves, the final documents have to be prepared, engineering documents, and just like the prior decision, those should be reviewed by the same consultant as they are aware of where the project is and what needs

to be accomplished. I believe the applicant has indicated to us that that shouldn't be a problem.

David Frick: I seem to recall that there was something from an engineering standpoint that wasn't finalized on the documents that we had to change or do, or how it was going to be done now vs. how it was to be done previously?

Nipun Jain: I believe you're talking about the water pump? That was based on that there will be a final assessment of the water pressure and the water needs, and that the infrastructure will be upgraded as required by the city engineer in that area. So a lot of that depends on whether they will be fine tuning on the total number of units and the building design itself, mechanical designs. So once they get into that phase, if there is need for updated the water pump and associated infrastructure, they would have to satisfy that. But based on why is it ok now? Well, based on the assumptions being made and based on the basic information they have in regards to existing infrastructure, it would work. Once they have more detailed information that you typically use to prepare final building permit drawings, you have a better understanding of that.

Jim Fitzgerald, abutter at 5 Hoyt Avenue: I support the project. #1: regarding the sewer, after the last meeting, my neighbor Bruce went to see Mr. Jain, but he also saw the director of DPW. Last time, I said I was concerned that I lived in Amesbury 25 years and the pumping station hasn't changed. I was concerned that 250 units with all that extra sewerage, if that thing dies, it's all coming into my basement...but I never asked. I just assumed. But my neighbor Bruce Kubik, found out that the DPW director had reviewed the sewer design for Amesbury Heights and verified that the sewerage does not flow to that pumping station, it flows into Route 110 in front of the car wash. However, the developer's signs had the arrows the wrong way. So as a town member, I'm hoping that if you pass this tonight, to make sure that sewer design is going down 110 past the car wash and not to the pumping station. Also, how can I get the traffic reports? It's very difficult exiting Hoyt Avenue as it is. I'd expect 250 cars along with this project and that is a concern for me. So how can I contact MassDOT to find out what they plan?

Nipun Jain: As far as getting a copy of the traffic report, we have it in our office and can provide you with a copy. We also have it in electronic form. Re: getting in touch with MassDOT, our DPW works with them all the time, so they have the contact information on public roadway projects. We can ask the city engineer or the director to provide you with that information. You can call them directly or wait a couple days and I will get in touch with them, submit your request, and you will get contact information.

Bruce Kubik, 4 Hoyt Avenue: I've lived here for over 25 years. Just reiterating everything I've said at the last meeting and presenting a letter to the PLB tonight. I just feel the entrance, with some markings, will work at times, but at rush hour, I think its dangerous already, and this will compound things, and rush hour will not slow it down.

David Frick: I understand. The police department sent us a letter this week as well. Our city planner has suggested that because of traffic isn't finalized yet, but only about 75% or something. That'll be a work in progress and part of the conditions to satisfy all parties involved. That's the direction we'll be moving on this.

Motion to close this hearing was made by Robert Laplante. Motion was seconded by Ted Semesnyei. Vote was unanimous.

Motion to have staff draft a recommendation was made by Ted Semesnyei. Motion was seconded by Lars Johannessen. Vote was unanimous.

ADMINISTRATIVE: NONE

BILL PAYMENTS:

1. BSC GROUP (EF Shea- Completed Peer Review) \$2640.00. Balance: \$3348.50
2. BSC GROUP (Hunt Road Solar- services rendered through 2-15-15) \$2800.00. Balance: \$0.11.
3. BSC GROUP (Hatters- services through 2-15-15) \$2209.00. Balance: \$389.90.

Motion was made by Lars Johannessen to approve payments in full for items one and two to BSC Group. Motion was seconded by Robert Laplante. AIF.

Motion was made by Lars Johannessen to approve number three . Robert Laplante recuses himself on this agenda item. Motion was seconded by Howard Dalton. AIF.

Motion to request more money from Hunt Road Solar for the bond to bring it up to \$1000 minimum as a balance for peer review services. PLB needs to authorize Nipun Jain to request a balance was made by Robert Laplante. Motion was seconded by Lars. AIF.

Motion was made by Howard Dalton (Robert Laplante recuses) for the Hatters Point project to authorize Nipun Jain to request a minimum balance of \$1000 total in the reserve fund for BSC Group services. Motion was seconded by Lars Johannessen. Vote was unanimous.

**REQUEST FOR ENDORSEMENT OF FINAL PLANS: LOCKE HILL
SUBDIVISION, 56-58 SOUTH HAMPTON ROAD, MAP 13, LOTS 19 +20**

Nipun Jain: I printed out the update on what had been pending and what had been done since last meeting. I believe there were some notes that had to be added to the plan set. I think that they were added. There were some easement documents, covenants and conservation restrictions, at least draft legal documents that had to be submitted for review and approval. Its not been submitted, but if they were submitted prior to start of construction, I don't have a problem with the PLB endorsing the plans, with a condition that the mylars be released, once those draft documents are provided to us prior to start of any construction.

David Frick: And you're looking for what from them, prior to our approval?

Nipun Jain: To give me at least those draft documents so that we can move forward on their review, prior to start up of any construction. Its not construction related, but it is permit related. At the very least, we should have those documents. One thing that needs to go on record is the covenant, along with the plans. So that has to be provided to us, which is simply a statement saying that no lots would be released or no construction would take place on those lots... it's a standard covenant.

Howard Dalton: I'd rather we request they bring in the proper paperwork before we sign it.

Nipun Jain: Well, we have the applicant's representative here, if he could come up.

Chris Couillard, 56 South Hampton Road, son of applicant: I understand you need the covenant. I will get that to you this week so you can address it at the next meeting on March 23.

Nipun Jain: That is something that the whole board has to sign. That also gives us the time, if you want to move forward on the construction schedule, we can schedule a pre-construction meeting.

David Frick: Are you really going to start construction stuff with all this snow? DPW just got a letter out today about that. They have concerns.

Nipun Jain: It was supposed to be something that, once we organized the pre-construction meeting, we'd go over it.

David Frick: Yes, they had concerns about you guys doing stuff prior with all this snow on the ground. We can talk about that.

Nipun Jain: It makes sense that we sit down at a pre-construction meeting. You may have a solution to address that concern. What it really says is how are you going to move all that snow? How are you going to flag the wetlands? How are you going to do the erosion control over two feet of snow? You may have already thought of that, so that is why the pre-construction hearing is so helpful and necessary.

LAST ITEM: NOT ON AGENDA:

Mark Wojcicki – Friend Street Project

Nipun Jain: I apologize for omitting this agenda item. This is a request to release lot 1 on 99-101 Friend Street, which is the two house lots that were approved for construction on Friend Street by Mark Wojcicki. I have followed that project through infrastructure, which includes sidewalks, curbing, just before the snow really hit it. I know they have done that, but I don't have photographic evidence of that. I do have a letter from DPW signing off on the storm water, but no final letter on the sidewalk improvements. So I advised the applicant that one of the lots can be released, based on the information I have, but the second lot cannot be released until such time as either we can verify, or you post a bond for improvements, such as landscaping, fencing, and maybe topcoat in areas where you have had to make infrastructure improvements on Powwow Villa. The applicant was fine with that and gave me a release form for lot 1. So one of the lots is still under covenant and this is a release form that they have requested the PLB to release one lot, if that is acceptable. You'd need to vote to accept and release lot 1, which is my recommendation, because you're still holding the release of lot 2, which is complete, but it cannot be sold until the PLB releases that lot.

Motion was made by Howard Dalton to release lot one associated with the 99-101 Friend Street subdivision. Motion was seconded by Robert Laplante. Vote was unanimous.

David Frick: I also have a letter from Jeffrey Rolloffs to Denis Nadeau about the Village at Baileys Pond?

Nipun Jain: I had that be provided to you so that you are aware of what's happening in the background. For the longest time we were pursued by **Faffard** to come to special meetings to discuss ongoing negotiations with modifying the plan. Well, there was always a gap of 2-3 months and nothing happens. So we've been concerned about that approach. Then when they filed for a building permit, we asked them what is going on, and they said "oh, it's only for preserving our rights as advised by the judge." So we said ok. We got town counsel to say that we needed to protect our interests as well, so either the PLB writes a letter to the building inspector saying that the plans as submitted to you do not conform to our approval, or the building inspector should deny the building permit application, unless we get a letter extending the time to act on the building permit application. So it is just more of an FYI as to where things are. If you have something to add to it, we can convey. It wouldn't hurt for you to write a letter to let the building inspector know that what he has received is not what was approved.

Robert Laplante made a motion to authorize Nipun Jain to write a letter to the building inspector stating that what he received from the applicant was not what was approved by PLB. Motion was seconded by Howard Dalton.. Vote was unanimous.

Motion to adjourn was made by Lars Johannessen, and seconded by Howard Dalton. AIF.

Meeting was adjourned at 8:52 P.M.